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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/672,668	09/26/2003	1651	767	51309-00001	4	23	6

45200  
PRESTON GATES & ELLIS LLP  
1900 MAIN STREET, SUITE 600  
IRVINE, CA 92614-7319

CONFIRMATION NO. 2633

## UPDATED FILING RECEIPT



\*OC000000013396629\*

Date Mailed: 08/02/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

A. Satyanarayan Naidu, Diamond Bar, CA;  
Bing Baksh, Placentia, CA;

## Assignment For Published Patent Application

ProbioHealth, LLC, Beverly Hills, CA;

## Domestic Priority data as claimed by applicant

This appln claims benefit of 60/414,083 09/26/2002

and is a CIP of 10/021,871 12/17/2001 \*, which claims benefit of 60/256,528

(\*)Data provided by applicant is not consistent with PTO records.

filed 12/18/00

Received  
PATENT DEPARTMENT  
AUG 05 2004  
Preston Gates

## Foreign Applications

If Required, Foreign Filing License Granted: 03/31/2004

Projected Publication Date: 11/11/2004

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

Prebiotic and preservative uses of oil-emulsified probiotic encapsulations

**Preliminary Class**

424

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/672,668
Filing Date	09/26/03
First Named Inventor	Naidu et al.
Art Unit	1641
Examiner Name	Unknown
Attorney Docket Number	51309-00001US

**ENCLOSURES (Check all that apply)**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication<br>to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please<br>Identify below):<br>ADS, Req. for Corr. Filing Receipt, Copy of<br>Updated Filing Receipt |
|--|--|--|

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Louis C. Cullman Preston Gates & Ellis, LLP Reg. No.: 39,845
Signature	
Date	8/30/04

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Margaret M. Hasson
-----------------------	--------------------

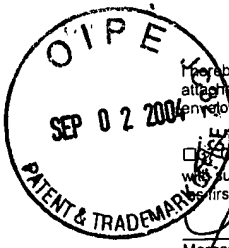
Signature

Date

8/30/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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I hereby certify that on 8/30/04, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
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*Margaret M. Hasson*

**PATENT**  
**Attorney Docket No.: 51309-00001**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant:</b>	Naidu et al.	<b>Conf. No.:</b>	2633
<b>Serial No.:</b>	10/672,668	<b>Examiner:</b>	Unknown
<b>Filed:</b>	September 26, 2003	<b>Art Unit:</b>	1641
<b>Title:</b>	PREBIOTIC AND PRESERVATIVE USES OF OIL-EMULSIFIED PROBIOTIC ENCAPSULATIONS		

**REQUEST FOR CORRECTED FILING RECEIPT**

Mail Stop: Office of Initial Patent Examination  
Filing Receipt Corrections  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants request correction of the filing receipt mailed August 2, 2004 with regard to the above-identified patent application. The Office of Initial Patent Examination noted that the Domestic Priority data as claimed by Applicant was inconsistent with PTO records. Applicants note that the following Domestic Priority with regard to this application reflects accurate data.

Please replace Domestic Priority data as claimed by applicant with:  
Domestic Priority data as claimed by applicant:  
This application claims benefit of 60/414,083 09/26/2002  
And is a CIP of 10/021,871 12/17/2001; which claims benefit of 60/256,528 12/18/00

A copy of the filing receipt dated 08/02/2004 with changes marked in red ink is enclosed as well as an Initial Application Data Sheet.

**REMARKS**

All papers accompanying this submission introduce no new matter to the accompanying application.

The Office of Initial Patent Examination is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application. The Applicants believe no fee is due with regard to this filing, however, if it is deemed a fee is due, the Director is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3207 associated with this response.

Respectfully submitted,

PRESTON GATES & ELLIS, LLP

Date

8/30/04

Contact information below for inquiries  
regarding the above submission:

**Customer Number 45,200**

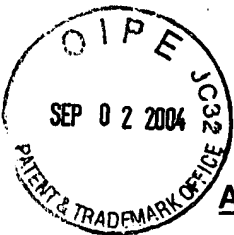
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By:



LOUIS CULLMAN  
Attorney for Applicant  
Registration No. 39,645

Enclosures: Application Data Sheet, Copy of marked-up filing receipt



## **Application Data Sheet**

### **Application Information**

Application Number::	10/672,668
Filing Date::	09/26/03
Application Type::	Regular
Subject Matter::	Utility
CD-ROM or CD-R?	None
Title::	Probiotic and Preservative Uses of Oil- Emulsified Probiotic Encapsulations
Attorney Docket Number::	51309-00001
Request for Early Publication?::	No
Request for Non-Publication?::	No
Suggested Drawing Figure::	2
Total Drawing Sheets::	4
Small Entity::	Yes
Petition included?::	Yes
Secrecy Order in Parent Appl.?::	No

### **Applicant Information**

Applicant Authority type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity
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Status::	Full Capacity
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State or Province of mailing address::	CA
Postal or Zip Code of mailing address::	92870
<b>Correspondence Information</b>	
Correspondence Customer Number::	45,200

**Representative Information**

Representative Customer Numbers:: 45,200

**Domestic Priority Information**

Application::	Continuity Type::	Parent Application::	Parent Filing Date
This Application	An application claiming the benefit under 35 U.S.C. 119(e)	60/414,083	09/26/02
This Application	Continuation-in-part	10/021,871	12/17/01
10/021,871	An application claiming the benefit under 35 U.S.C. 119(e)	60/256,528	12/18/00

**Assignee Information**

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